

679
VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 01-0821-0917

ELECTIONS: UNIT AY-115
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on December 18, 2001 which was recorded at Deed Book 544, Page 610 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on January 10, 2002, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates that the escrow of funds is required with regard to Unit AY-115;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Union National Bank, Corporate Trust PA1328, 123 Broad Street, Philadelphia, PA 19109-1199, Telephone: (215) 985-3485 or (800) 664-9359, Attn: Don Ballinghoff, or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

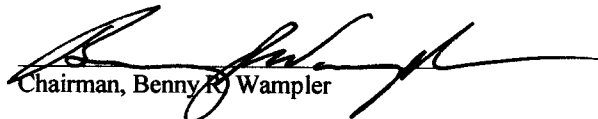
ENTERED

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

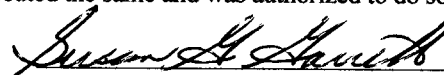
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 16th day of September, 2002, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

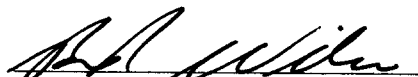
STATE OF VIRGINIA
COUNTY OF WISE

Acknowledged on this 16th day of September, 2002, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Susan G. Garrett
Notary


My commission expires: 7-31-06.

DONE AND PERFORMED THIS 20th day of September, 2002, by Order of the Board.


B. R. Wilson,
Director of the Division of Gas & Oil Board and
Principal Executive to the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 20th day of September, 2002, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.


Diane J. Davis, Notary

My commission expires: 9/30/05.

Order Recorded Under Code of
Virginia Section 45.1-361.26

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit AY-115
VGOB 01-0821-0917 in the New Garden District of Russell County, Virginia

AFFIDAVIT OF POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") REGARDING
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by Consol Energy Inc., as a Gas Engineer and is duly authorized to make this affidavit on behalf of POCAHONTAS GAS PARTNERSHIP, the designated operator,

That the Order entered on December 18, 2001, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on January 10, 2002;

That the designated operator POCAHONTAS GAS PARTNERSHIP has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of December 18, 2001;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator, no longer have an interest, etc.:

Clifford Strouth, Arfey Strouth Miller, Barbera Miller Strouth Honaker, Glenda Spencer, Maydean Ball, Geraldeane Newberry and Judy Carol Boyd

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

See attached Exhibit B-2

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 28th day of August, 2002.

Leslie K. Arrington
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Gas Engineer of Consol Energy Inc., on behalf of the corporate Designated Operator, this 28th day of August, 2002.

Rhonda L. Cantuyle
Notary

My commission expires: 10/31/05.

010040.95

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 9-20, 2002. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 2:30 o'clock P.M., after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: DIANE DAVIS

TESTE: DOLLIE M. COMPTON, CLERK
BY: Am. McReynolds D. CLERK

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED
BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK 564 PAGE 0703

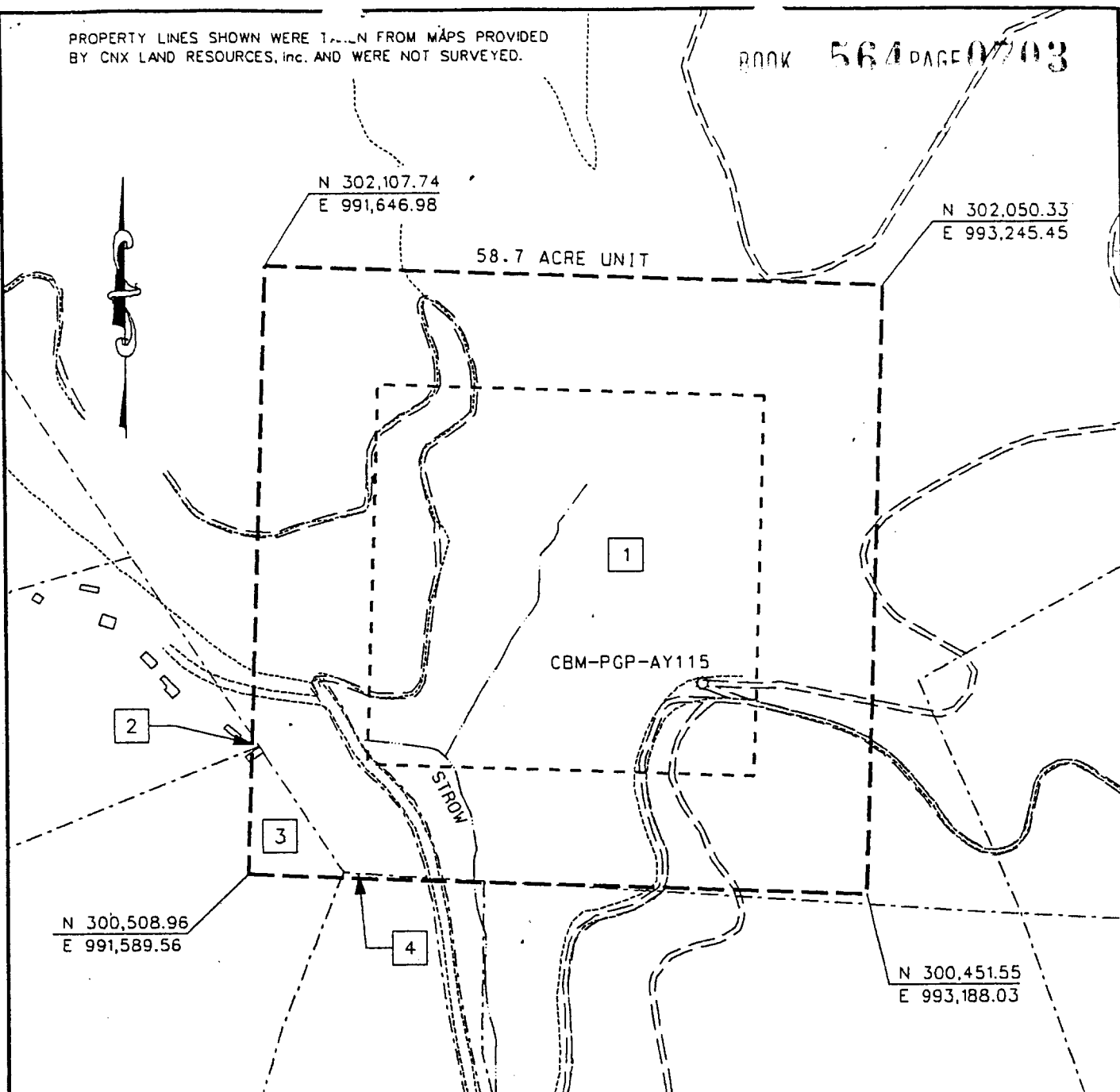


EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT AY-115
FORCE POOLING
VGOB-01-0821-0917

Company Pocahontas Gas Partnership Well Name and Number UNIT AY115
Tract No. _____ Elevation _____ Quadrangle Honaker
County Russell District New Garden Scale: 1" = 400' Date 7/16/01
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Charles O. May
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

POCAHONTAS GAS PARTNERSHIP

CBM-PGP-AY-115

Tract Identifications

(58.7 Acre Unit)

1. Buckhorn Coal Mining Tr. 7 - Fee
 Consolidation Coal Company - Below Drainage Coal Leased
 Sandy Ridge Energy Company - Above Drainage Coal Leased Except Kennedy Seam
 H. C. Bostic Coal Company - Kennedy Seam Leased
 Pocahontas Gas Partnership - CBM Leased
 Reserve Coal Properties Company - Oil & Gas Leased
 57.58 acres 98.0920 %
2. Pocahontas Gas Partnership - Coal, Oil & Gas
 Knox Creek Coal Corp. - Tiller and Above Coal Seams Leased (Except Upper Banner Seam)
 Bernie D. Dye - Surface
 0.01 acres 0.0170 %
3. Barbara Foote, et al. - Coal, Oil & Gas
 Knox Creek Coal Corp. - Tiller and Above Coal Leased
 Bernie D. Dye - Surface
 1.04 acres 1.7717 %
4. H. C. Bostic Coal Company, Inc. - Coal
 H. C. Bostic Coal Company, Inc. or Joseph L. Strouth Heirs, Devisees, Successors or Assigns -
 Oil & Gas
 Pocahontas Gas Partnership - Oil, Gas and CBM Leased
 Tivis W. Hubbard, et ux - Surface
 0.07 acres 0.1193 %

Exhibit B-2
CBM-PGP-AY115
Docket No. VGOB 01-0821-0917
List of Respondents to be Dismissed
(58.70 Acre Unit)

BOOK 564 PAGE 0705

	Acres in Unit	Interest in Unit	Reason for Dismissal
II. OIL & GAS FEE OWNERSHIP			
<u>Tract #4, 0.07 acres</u>			
(1) Joseph L. Strouth Heirs, Devisees, Successors or Assigns	0.07 acres	0.1193%	
(b) Garlin Strouth Heirs, Devisees, Successors or Assigns			
(b.2) Clifford Strouth 1041 Henry Road Ferrum, VA 24088	0.003 acres 1/24 of 0.07 acres	0.0050%	Leased
(b.3) Arfey Strouth Miller P.O. Box 142 Abingdon, VA 24212	0.003 acres 1/24 of 0.07 acres	0.0050%	Leased
(b.4) Barbera Miller Strouth Honaker 17044 Northfork River Road Abingdon, VA 24201	0.003 acres 1/24 of 0.07 acres	0.0050%	Leased
(f) Eartrue Spencer Heirs, Devisees, Successors or Assigns			
(f.1) Glenda Spencer P.O. Box 65 Swords Creek, VA 24649	0.003 acres 1/24 of 0.07 acres	0.0050%	Leased
(f.2) Maydean Ball Rt.2 Box 7975 Cedar Bluff, VA 24609	0.003 acres 1/24 of 0.07 acres	0.0050%	Leased
(f.3) Geraldeane Newberry P.O. Box 1652 Richlands, VA 24641	0.003 acres 1/24 of 0.07 acres	0.0050%	Leased
(f.4) Judy Carol Boyd 513 Lee Street Bristol, VA 24201-4414	0.003 acres 1/24 of 0.07 acres	0.0050%	Leased

Exhibit B-3
CBM-PGP-AY115
Docket No. VGOB 01-0821-0917
List of Unleased Owners/Claimants
(68.70 Acre Unit)

BOOK 564 PAGE 0706

	Acres in Unit	Interest in Unit
II. OIL & GAS FEE OWNERSHIP		
<u>Tract #4, 0.07 acres</u>		
(1) Joseph L. Strouth Heirs, Devisees, Successors or Assigns	0.07 acres	0.1193%
(a) Daily Strouth, Jr. P.O. Box 54 Swords Creek, VA 24649	0.012 acres 1/6 of 0.07 acres	0.0199%
(b) Garlin Strouth Heirs, Devisees, Successors or Assigns		
(b.1) David Strouth Box 824 Honaker, VA 24260	0.003 acres 1/24 of 0.07 acres	0.0050%
(b.5) Maudie Honaker Strouth, Widow <i>Address Unknown</i>	<i>Life Estate Only</i>	
(c) Ida Meadows Heirs, Devisees, Successors or Assigns		
(c.1) Lawrence Meadows HC65 Box 24 Oakwood, VA 24631	0.003 acres 1/24 of 0.07 acres	0.0050%
(c.2) Stephen L. Meadows P.O. Box 22 Rowe, VA 24646	0.003 acres 1/24 of 0.07 acres	0.0050%
(c.3) Willa May Stiltner HC65 Box 24 Oakwood, VA 24631	0.003 acres 1/24 of 0.07 acres	0.0050%
(c.4) Anna Whitt P.O. Box 190 Doran, VA 24612	0.003 acres 1/24 of 0.07 acres	0.0050%
(e) Oliver Price c/o Charlie Price Rt.1 Box 241 Swords Creek, VA 24649	0.012 acres 1/6 of 0.07 acres	0.0199%

Exhibit E
CBM-PGP-AY115
Docket No. VGOB 01-0821-0917
List of Conflicting Owners/Claimants that require escrow
(58.70 Acre Unit)

BOOK 564 PAGE 0707

	Acres in Unit	Interest in Unit
<u>Tract #4, 0.07 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) H.C. Bostic Coal Company, Inc. P.O. Box 220 Swords Creek, VA 24649	0.07 acres	0.1193%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) H.C. Bostic Coal Company, Inc. P.O. Box 220 Swords Creek, VA 24649	0.07 acres	0.1193%
(OR)		
(1) Joseph L. Strouth Heirs, Devisees, Successors or Assigns	0.07 acres	0.1193%
(a) Daily Strouth, Jr. P.O. Box 54 Swords Creek, VA 24649	0.012 acres 1/6 of 0.07 acres	0.0199%
(b) Garlin Strouth Heirs, Devisees, Successors or Assigns		
(b.1) David Strouth Box 824 Honaker, VA 24260	0.003 acres 1/24 of 0.07 acres	0.0050%
(b.2) Clifford Strouth 1041 Henry Road Ferrum, VA 24088	0.003 acres 1/24 of 0.07 acres	0.0050%
(b.3) Arfey Strouth Miller P.O. Box 142 Abingdon, VA 24212	0.003 acres 1/24 of 0.07 acres	0.0050%
(b.4) Barbera Miller Strouth Honaker 17044 Northfork River Road Abingdon, VA 24201	0.003 acres 1/24 of 0.07 acres	0.0050%
(b.5) Maudie Honaker Strouth, Widow Address Unknown	Life Estate Only	
(c) Ida Meadows Heirs, Devisees, Successors or Assigns		
(c.1) Lawrence Meadows HC65 Box 24 Oakwood, VA 24631	0.003 acres 1/24 of 0.07 acres	0.0050%

Exhibit E
CBM-PGP-AY115
Docket No. VGOB 01-0821-0917
List of Conflicting Owners/Claimants that require escrow
(58.70 Acre Unit)

BOOK 564 PAGE 0708

	Acres in Unit	Interest in Unit
(c.2) Stephen L. Meadows P.O. Box 22 Rowe, VA 24646	0.003 acres 1/24 of 0.07 acres	0.0050%
(c.3) Willa May Stiltner HC65 Box 24 Oakwood, VA 24631	0.003 acres 1/24 of 0.07 acres	0.0050%
(c.4) Anna Whitt P.O. Box 190 Doran, VA 24612	0.003 acres 1/24 of 0.07 acres	0.0050%
(e) Oliver Price c/o Charlie Price Rt.1 Box 241 Swords Creek, VA 24649	0.012 acres 1/6 of 0.07 acres	0.0199%
(f) Eartrue Spencer Heirs, Devisees, Successors or Assigns		
(f.1) Glenda Spencer P.O. Box 65 Swords Creek, VA 24649	0.003 acres 1/24 of 0.07 acres	0.0050%
(f.2) Maydean Ball Rt.2 Box 7975 Cedar Bluff, VA 24609	0.003 acres 1/24 of 0.07 acres	0.0050%
(f.3) Geraldeane Newberry P.O. Box 1652 Richlands, VA 24641	0.003 acres 1/24 of 0.07 acres	0.0050%
(f.4) Judy Carol Boyd 513 Lee Street Bristol, VA 24201-4414	0.003 acres 1/24 of 0.07 acres	0.0050%
(g) Pocahontas Gas Partnership P.O. Box 200 Mavisdale, VA 24627	0.012 acres 1/6 of 0.07 acres	0.0199%